

In the City Council, November 3rd, in the Year Two Thousand and Sixteen

Upon the recommendation of Councilor Gina-Louise Sciarra and Councilor Alisa F. Klein

R-16.191

A RESOLUTION

IN SUPPORT OF BILL H.1769

THE MASSACHUSETTS PREGNANT WORKERS FAIRNESS ACT

- WHEREAS, the City of Northampton has asserted support for fair and just labor and work practices in the Northampton Living Wage Resolution (2009) and the Right to Organize Resolution (2012).
- WHEREAS, the City of Northampton has affirmed its nondiscrimination policy that no person shall unjustly discriminate against any person belonging to a protected category, including age, ancestry or national origin, color, creed, family or marital status, gender identity, genetic information, mental or physical ability, race, religion, sex, sexual orientation, socioeconomic status or veteran status, relative to any essential public matter involving goods, services, or access that are generally available to all people, including education, employment, healthcare, housing, municipal services and public accommodations.
- WHEREAS, the City of Northampton respects civil and human rights and recognizes that pursuant to the Universal Declaration of Human Rights adopted by the United Nations in 1948, Article 23 (1), “Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.”
- WHEREAS, the United States Pregnancy Discrimination Act (1978), which had its 38th anniversary this week, and the United States Family and Medical Leave Act (1993) protect pregnant women against discrimination, and address temporary inability to perform duties due to medical conditions related to pregnancy or childbirth. Neither act grants a clear right to reasonable temporary workplace modifications for pregnant women.
- WHEREAS, by its nature, pregnancy is a temporary physical condition. Workers with disabilities, including temporary disabilities, are protected by law and must be provided with reasonable accommodation, but under current state and federal

law, pregnant women who do not suffer from a disability do not have that equal protection.

WHEREAS, H.1769, the Massachusetts Pregnant Workers Fairness Act currently being considered by the Massachusetts State Legislature, would require employers to provide “reasonable accommodations” for a job applicant or employee related to pregnancy and childbirth, if requested by the applicant or employee, “unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer’s program, enterprise, or business.”

WHEREAS, U.S. Senator Bob Casey (PA) introduced S.1512 Pregnant Workers Fairness Act in June 2015, co-sponsored by Massachusetts U.S. Senators Ed Markey and Elizabeth Warren, which also requires “reasonable accommodations” for pregnant workers.

WHEREAS, such accommodations include, but are not limited to, more frequent breaks, provision of seating, allowance for adequate hydration, and temporary transfer to a less strenuous or hazardous position.

WHEREAS, without such accommodations, some pregnant women have to choose between their employment and their health.

WHEREAS, one in five discrimination charges made by women in the United States are associated with pregnancy. H.1769 will provide needed clarity to the law for employers and workers, reducing filed complaints and litigation, which will be beneficial to all parties.

WHEREAS, allowing pregnant women to remain in their jobs is vital for the financial well-being of many families and is beneficial for the economic health and development of the City of Northampton.

WHEREAS, the City of Northampton is committed to supporting families, employers and businesses within the city, and recognizes all parties as cornerstones of our community.

NOW THEREFORE BE IT RESOLVED that the City Council of Northampton, Massachusetts supports H.1769 The Massachusetts Pregnant Workers Fairness Act and urges the Massachusetts Senate and House of Representatives and the Governor of the Commonwealth to adopt it in a timely manner to offer equal protection to pregnant women in Massachusetts.

BE IT FURTHER RESOLVED that the City Council of Northampton, Massachusetts supports S.1512 and urges its passage by the United States Congress.

BE IT FURTHER RESOLVED that we commend and support State Representative Peter Kocot for being one of the petitioners of H.1769, and Senator Ed Markey and Senator Elizabeth Warren for being co-sponsors of S.1512.

BE IT FURTHER RESOLVED that the Administrative Assistant to the City Council shall cause a copy of this resolution to be sent to U.S. Senator Elizabeth Warren, U.S. Senator Ed Markey, Governor Charles Baker, Attorney General Maura Healey, Treasurer Deborah Goldberg, Senate President Stanley Rosenberg, Speaker of the House Robert DeLeo, State Representative Peter Kocot and the co-sponsors of H.1769 State Representatives Ellen Story, Joan Lovely, and Dave Rogers.